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Watchdog group sues Healdsburg over project

Occidental-based River Watch claims wastewater disposal plan harmful

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By TOM CHORNEAU
THE PRESS DEMOCRAT

Northern California River Watch, an Occidental-based watchdog group widely criticized for its legal tactics, has filed a federal lawsuit against the city of Healdsburg over a proposed sewage disposal plan.

River Watch, led by Santa Rosa attorney Jack Silver, has been rebuked by local officials and conservationists for misusing environmental laws to collect legal fees.

In the case against Healdsburg, the group is arguing that the city's plan to pump its treated wastewater to an abandoned gravel pit near the Russian River will threaten ground-water supplies in the area.

The state North County Regional Water Quality Control Board sued the city in Superior Court last year over the same wastewater project. State regulators also argued that the proposal could jeopardize ground-water supplies.

Rick Jarvis, a private attorney who is representing Healdsburg in the case, said the River Watch claim lacks merit.

"We don't think we've violated state law to begin with, and we don't think any federal laws are at issue either," he said. "The city has a disagreement with the regional (water) board that we are in active negotiations over and if those talks are successful, we believe the River Watch lawsuit is likely to go away."

Calls to River Watch were not returned.

Healdsburg's wastewater problems go back to 1995, when winter storms caused the city's existing storage pond located near the Russian River to overflow, pushing the effluent into the river. Several other spills have subsequently occurred at the pond, because of both flooding and operator error.

As a result of the overflow problems, the city has been under orders from the water board to find a safer disposal system. Toward that end, the city is developing a long-term strategy that could involve linkage with Santa Rosa's wastewater pipeline to The Geysers.

In the meantime, however, the city wants to discharge wastewater into a new gravel pit that is farther away from the river than the existing storage pond. But state water quality officials are opposed to the move and filed a lawsuit to stop the project.

In the past, River Watch has filed lawsuits against businesses and government agencies for environmental violations that regulators were already managing. A provision of the Clean Water Act allows private individuals to file lawsuits in the public interest. In some cases, polluters can be forced to pay legal fees to third parties even if the violations are already being addressed.

Jarvis, who is also representing the city of Fort Bragg in a lawsuit by River Watch, said the case against Healdsburg is different because Silver is making a new argument over an issue that is unresolved.

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